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12 **UNITED STATES DISTRICT COURT**
13
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15
16 **(SAN FRANCISCO DIVISION)**

17 SCOTT SERIO,

18 Plaintiff,

19 v.

20 FUN FAIR INC. d/b/a MARIN COUNTY SPORTS,

21 Defendant.

Case No.: 3:16-cv-00438-JSC

22 **PLAINTIFF'S REQUEST FOR**
23 **CONTINUANCE OF INITIAL CASE**
24 **MANAGEMENT CONFERENCE AND**
25 **ADR DEADLINES; [PROPOSED]**
26 **ORDER**

27 Initial CMC: 4/28/16
28 Time: 1:30 p.m.
Courtroom: F, 15th Floor

Magistrate Judge: Jacqueline S. Corley
Complaint Filed: January 25, 2016

Pursuant to Civil Local Rules 7-11 and 16-2, Plaintiff Scott Serio ("Plaintiff") submits this request that the Initial Case Management Conference ("ICMC") scheduled for April 28, 2016 at 1:30 be continued to June 9, 2016 or as soon thereafter as the Court may deem appropriate.

As alleged in the Complaint, Defendant Fan Fair Inc. d/b/a Marin County Sports ("Defendant") operates an eBay account selling unauthorized copies of Plaintiff's copyright-protected photographs. Good cause exists to continue the ICMC, and other associated deadlines, because of the difficulty Plaintiff has encountered in attempting to serve Defendant Fan Fair Inc. As shown in Exhibits A and B to the Declaration of Brandon P. Leahy ("Declaration") attached hereto, Plaintiff has been stymied in its efforts to personally serve Defendant by traditional methods at the two addresses Plaintiff's investigation determined he was most likely to be found.

As Exhibit C to the Declaration further shows, Defendant is incorporated under the laws of Arizona. Pursuant to Arizona Rules of Civil Procedure, Rule 4.1(I), and under authority of Federal Rule of Civil Procedure 4(e)(1), Plaintiff has personally served Defendant by filing the summons, complaint, and other required documents with the Arizona Corporation Commission ("A.C.C."). Pursuant to its statutory obligation, the A.C.C. has, or in short time will, mail a copy of said documents to Defendant at its last known place of business on file. A Certificate of Mailing will then be provided to Plaintiff, and will subsequently be filed by Plaintiff with this Court as proof of service.

The requested continuance will permit Plaintiff to obtain and file with the Court the Certificate of Mailing from the A.C.C. It will further provide Defendant with an adequate opportunity to respond to the Complaint, and should it receive actual knowledge, the parties will also have time to meet-and-confer in advance of the new ADR deadlines. There have been no prior requests for continuance, and no prejudice will result to either party if the continuance is granted.

Dated: April 6, 2016

DUANE MORRIS LLP

By: /s/ Brandon P. Leahy
Brandon Leahy (SBN 298064)

Attorneys for Plaintiff
SCOTT SERIO

ORDER

Having considered the above Request for Continuance of Initial Case Management Conference and good cause appearing therefore:

The Initial Case Management Conference previously scheduled for April 28, 2016 at 1:30 is now scheduled to be heard on June 9, 2016, at 1:30. All preliminary deadlines are continued accordingly.

IT IS SO ORDERED

Dated: _____

Hon. Jacqueline Scott Corley
United States Magistrate Judge